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November 8, 2016

*By Federal Express*

Nicoletta DiForte  
Deputy Director for Enforcement  
USEPA  
Region 2  
290 Broadway  
New York, NY 10007-1866

Re: Pierson's Creek Superfund Site

Dear Ms. DiForte:

This is the response of Cytec Industries Inc. ("Cytec") to the United States Environmental Protection Agency's ("EPA") August 23, 2016 Request for Information addressed to Merrill E. Fliederbaum c/o Pfizer Inc. ("Pfizer") with respect to the above-referenced site (the "RFI"). Cytec appreciates the extension of time for this response provided by Ms. Wagner.

By of introducing the parties, Cytec is the indemnitor of Wyeth Holdings, LLC. f/k/a American Cyanamid Company. Wyeth Holdings, LLC is a wholly owned subsidiary of Pfizer Inc. Pursuant to a Transfer & Distribution Agreement dated December 17, 1993, American Cyanamid Company conveyed the assets and liabilities of its chemicals businesses to Cytec, a newly formed public company. Under the Transfer & Distribution Agreement, Cytec is obligated to defend American Cyanamid against liabilities arising from its former chemicals businesses.

In 1994, American Home Products acquired all of the common stock of American Cyanamid Company and American Cyanamid became a wholly-owned subsidiary of American Home Products. Subsequently, American Home Products changed its name to Wyeth and American Cyanamid Company changed its name to Wyeth Holdings Corporation, who, in turn, changed its name to Wyeth Holdings, LLC. In 2009, Wyeth was acquired by Pfizer. As referenced above, Wyeth Holdings LLC, the successor by name change to American Cyanamid Company, is a wholly-owned subsidiary of Pfizer Inc. and indemnified by Cytec.

This response is based upon Cytec's search for documents and information in its possession relating to The Calco Chemical Company, Inc. ("Calco"), to The Heller & Merz Co. ("Heller"), and to the Newark Plant (defined below), as well as inquiries made of Pfizer as to documents in its possession relating to those two companies or to the Newark Plant. Cytec's search yielded no information

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A PA Limited Liability Partnership | John B. Kearney, Managing Partner

concerning a Calco facility located at Avenue L in Newark, New Jersey, the only description of the facility that is the subject of the RFI.

Cytec located in an internet search the document enclosed titled "Newark Colorants Industry" that includes information and a 1912 map of the Avenue L vicinity identifying the Newark Plant in that general location. A copy of that document is enclosed. Because the Newark Plant closed in 1946, Cytec has no reason to believe that there are any living former employees with knowledge of the Newark Plant.

All of the documents referenced in this response are included on the attached CD.

Cytec reserves its rights to continue to review and to supplement, modify, and/or amend its responses should additional information become available.

### **Cytec's Responses to EPA's Requests for Information**

Cytec objects to the instructions provided with the RFI, the definitions, and the requests to the extent any of those exceed the authority given to EPA in 42 U.S.C. § 9604. Subject to those objections, Cytec responds as follows:

1. In or about February 1930, The Calco Chemical Company, Inc. ("Calco"), a corporation incorporated in the State of Delaware on February 27, 1929<sup>1</sup>, acquired certain assets of Heller & Merz Investing Company ("Investing") and of The Heller & Merz Co. ("Heller"), a corporation incorporated in the State of New Jersey, relating to Heller's business.<sup>2</sup> Heller then operated a manufacturing plant at 338 Wilson Avenue, Newark, on property bordering Wilson Avenue and Avenue L (the "Newark Plant").<sup>3</sup> The Newark Plant manufactured aniline dyes, principally Ultramarine Blue. The Newark Plant thereafter was owned and operated by Calco. The stock of Calco was acquired by American Cyanamid Company ("Cyanamid") in 1929.<sup>4</sup> All of the assets of Calco were transferred to Cyanamid and Calco was dissolved on or about October 31, 1939, with the

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<sup>1</sup> Calco Certificate of Incorporation, enclosed. But note that an earlier Calco entity was formed circa 1915. Calco, Past, Present and Future at 4; Bound Brook Plant 50 Years of History at 4-5, both enclosed.

<sup>2</sup> January 4, 1929 Agreement; Statement of Heller & Merz assets and liabilities acquired by Calco, both enclosed.

<sup>3</sup> Newark, New Jersey Colorants Industry, enclosed.

<sup>4</sup> The Cyanamid Chronology at 4; Cyanamid, a Historical Perspective at 4; Bound Brook Plant 50 Years of History at 11, all enclosed.

former Calco business thereafter operated for a period of time as the Calco Division of Cyanamid.<sup>5</sup> Operations at the Newark Plant ceased and the Newark Plant was sold by the end of 1946.<sup>6</sup> The dye operations were transferred to Willow Island, West Virginia and/or possibly to Bound Brook, New Jersey Calco Division plants.<sup>7</sup>

Cytec's very limited information concerning the materials, processes, waste streams, employees, or operations at the Newark Plant consists of documents relating to the acquisition of Heller. Those documents are: The January 4, 1929 Agreement; Statement of Heller & Merz assets and liabilities acquired by Calco; February 3, 1930 Peat, Marwick, Mitchel & Co. Report; and Appraisal of Plant and Equipment as at August 15, 1929, all enclosed.

2. See response to Request No. 1. By way of further response, neither statute existed at the time the Newark Plant operated.
3. See response to Request No. 1.
4. See response to Request No. 1.
5. See response to Request No. 1.
6. See response to Request No. 1. By way of further response, Cytec has no diagrams of any kind of the Newark Plant.
7. See response to Request Nos. 3 and 4.
8. See response to Request No. 1. (a) By way of further response, Cytec has no documents relating to such incidents. (b) By way of further response, Cytec has no documents relating to any results of any such sampling.
9. See response to Request No. 1. By way of further response, Cytec has no information concerning flooding at the Newark Plant.
10. See response to Request No. 1. By way of further response, Cytec has no knowledge of any such proceedings.

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<sup>5</sup> Instrument of Liquidation of Calco, enclosed.

<sup>6</sup> Calco Diamond, November 15, 1945 at 1, enclosed.

<sup>7</sup> Calco Diamond, November 15, 1945 at 1; Calco, Past, Present and Future at 8, both enclosed.

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11. See response to Request Nos. 1, 3 and 4. By way of further response, Cytec has no such documents.

12. See response to Request No. 1. By way of further response, Cytec has no knowledge of such sampling or fill.

13. See response to Request No. 1. By way of further response, Cytec has no deeds or documents of sale, other than the January 4, 1929 Agreement and documents related to that transaction previously identified.

14. See response to Request No. 1. By way of further response:

a) Cytec Industries Inc.

b) Roger Kearns, President  
Cytec Industries Inc.  
504 Carnegie Center  
Princeton, New Jersey 08540

c) Cytec was incorporated in the State of Delaware. Its agent for service of process in New Jersey is CSC.

d) The only entities that Cytec believes operated the Newark Plant were Heller, Calco, and Cyanamid.

15. The undersigned counsel for Cytec drafted this response. He has no personal knowledge of the responses. Searches of Cytec documents were supervised by Jeffry Koenig, Esq., Chief Litigation Counsel of Cytec. Searches of Pfizer documents were supervised by Ronald J. Schott, Esq. of Pfizer. Cytec has no information concerning the identities of employees or former employees with knowledge of the Newark Plant.

Very truly yours,



Glenn A. Harris  
GAH/mds

Enclosure